

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-23673 - APPLICANT/OWNER: GLADYS FLORES

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-23672) and Site Development Plan Review (SDR-23671) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Variance to allow two parking spaces where six spaces are required per Title 19.04 for a proposed office use. This Variance accompanies a requested Rezoning (ZON-23672) and Site Development Plan Review (SDR-23671) required for a proposed conversion of an existing two-story residence to professional office on 0.15 acres at 1650 South Eastern Avenue.

Staff recommends denial of this requested Variance as it is a self-imposed hardship by the owner that puts an undue parking impact on the immediate residential neighborhood on Howard Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
5/17/06	The City Council approved a request (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from the SC (Service Commercial) and L (Low Density Residential) General Plan Land Use Designation to the O (Office) General Plan Land Use Designation on 30.15 acres covering multiple APNs. Planning Commission and Staff recommended approval.
09/27/07	The Planning Commission recommended denial of companion items ZON-23672 and SDR-23671 and struck VAR-23674 from the agenda concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #32/mh).
<i>Related Relevant City Actions Fire, Bldg., Code Enf., etc.</i>	
7/23/04	Code Enforcement Case #18842: Permit and sign violations. Case resolved 9/14/04
12/30/04	Code Enforcement Case #24819: Rental house does not have hot water/ heat, roof leaks, bathroom clogged –owner won’t fix. Case resolved 5/03/05
5/19/05	Code Enforcement Case #30219: Outside trash and debris, multiple garage sales, junk in bank yard. Case resolved 6/01/05.
7/18/05	Code Enforcement Case #32568: Trash and debris, vacant house smells terrible. Case resolved 7/25/05
5/02/06	Code Enforcement Case #40788: Complaint of electric saw and pounding until midnight –noise nuisance. Case resolved 5/18/06.
10/03/06	Code Enforcement Case #46610: People come to the house to periodically fix cars behind the house with men keeping watch at the front of the property. Case resolved 10/11/07.
<i>Related Building Permits/Business Licenses</i>	
5/09/07	Building Permit #83403: Service upgrade from 125 amp to 225 amp.

<i>Pre-Application Meeting</i>	
8/09/07	A pre-application meeting was held with staff to discuss the requirements to convert an existing 2-story, 1,660 square foot single family residence to a Professional Office Building.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
9/07/07	<p>A field check was carried out by Planning and Development Staff with the following observations noted:</p> <ul style="list-style-type: none"> ▪ An existing two-story single family dwelling. ▪ Site access is limited to Howard Avenue ▪ Building is surrounded by asphalt with little to no landscaping ▪ The parking area has limited space and is accessible only from Howard Avenue. ▪ Second-story has windows facing towards both protected properties to the north and west.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	(Office)	R-1 (Single Family Residence)
North	Single Family Residence	(Office)	R-1 (Single Family Residence)
South	Office	(Office)	P-R (Professional Office and Parking)
East	ROW/ Office	O (Office)	P-R (Professional Office and Parking)
West	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residence)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	1,660 SF	1:300 GFA	6	1	1	1	N
SubTotal			6		2		
TOTAL (including handicap)			6		2		N
Percent Deviation (VAR only)			66% Parking Deviation				

ANALYSIS

The applicant has proposed a commercial use in an existing residential building that greatly exceeds the lots ability to accommodate the necessary parking for a 1,660 square-foot office. With a maximum number of 2 parking spaces as proposed by the applicant, the maximum square footage permitted by code would be 600 square feet. The total deviation from the Title 19.04 standard for an Office use in this building has been calculated out to approximately 66%.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships

upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship proposing a conversion of an existing two-story residential dwelling for an ill-fitted office building. An alternative proposal that would provide a reduction in the building’s footprint would allow conformance to the Title 19 requirements, reduce the burden in the meeting the full International Building Code 2006 requirements (for structures over 1,500 square feet), and provide better site access and circulation. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 439 by City Clerk

APPROVALS 0

PROTESTS 0